

**FILED**

MAY 18 2011

Board of Vocational Nursing  
and Psychiatric Technicians

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7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2009-4161

11 **JESSE SUMALDE GULTIA a.k.a.**  
12 **JESUSITO GULTIA**  
13 **2991 Crestmoor Drive**  
**San Bruno, CA 94066**  
14 **Vocational Nurse License No. VN 196874**

**ACCUSATION**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in  
19 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric  
20 Technicians, Department of Consumer Affairs.

21 2. On or about October 9, 2001, the Board of Vocational Nursing and Psychiatric  
22 Technicians issued Vocational Nurse License Number VN 196874 to Jesse Sumalde Gultia a.k.a.  
23 Jesusito Gultia (Respondent). The Vocational Nurse License was in full force and effect at all  
24 times relevant to the charges brought herein and will expire on January 31, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric  
27 Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.  
28

1 All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent  
3 part, that the Board of Vocational Nursing and Psychiatric Technicians ("Board") may discipline  
4 the holder of a vocational nurse license for any reason provided in Article 3 (commencing with  
5 section 2875) of the Vocational Nursing Practice Act.

6 5. Section 2892.1 of the Code provides, in pertinent part, that the Board may renew an  
7 expired license at any time within four years after the expiration.

8 6. Section 2878 of the Code states:

9 "The Board may suspend or revoke a license issued under this chapter [the Vocational  
10 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

11 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

12 ..."

13 7. Section 2878.5 of the Code states:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this  
15 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed  
16 under this chapter to do any of the following:

17 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
18 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
19 administer to another, any controlled substance as defined in Division 10 of the Health and Safety  
20 Code, or any dangerous drug as defined in Section 4022.

21 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code,  
22 or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a  
23 manner dangerous or injurious to himself or herself, any other person, or the public, or to the  
24 extent that the use impairs his or her ability to conduct with safety to the public the practice  
25 authorized by his or her license.

26 ..."

8. Section 11032 of the Health and Safety Code provides, in pertinent part, that the term “narcotics” means controlled substances classified in Schedule I or II as defined in section 11054 or 11055 of that code.

9. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

11. Title 16, California Code of Regulations, section 2518.6(b) states, in part:

“A licensed vocational nurse shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice which include but are not limited to the following:

• • •

(4) Abstaining from chemical/substance abuse; . . .”

## DRUGS

12. Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and Professions Code section 4022. It is a stimulant drug.

### CAUSE FOR DISCIPLINE

(ILLEGAL POSSESSION/USE OF NARCOTICS)

13. Respondent is subject to disciplinary action under sections 2878 and 2878.5(a) and (b) and Title 16, California Code of Regulations, section 2518.6(b) in that he illegally possessed and/or used narcotics. The circumstances are as follows:

14. On or about April 10, 2010, at the Ramada Inn in San Bruno, California, Respondent was arrested by San Bruno Police after being found in a hotel room with methamphetamines and paraphernalia, and appearing to be under the influence of drugs.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 196874, issued to Jesse Sumalde Gultia a.k.a. Jesusito Gultia;
2. Ordering Jesse Sumalde Gultia a.k.a. Jesusito Gultia to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: May 18, 2011



TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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